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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/788,768

02/27/2004

Harri Okkonen

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EXAMINER

STEELMAN, MARY J

ART UNIT

PAPER NUMBER

2191

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/788,768

Applicant(s)

OKKONEN, HARRI

Examiner

MARY STEELMAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/26/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-24 are pending.

#### ***Information Disclosure Statement***

2. IDS received 08/26/2005 has been considered.

#### ***Oath/Declaration***

3. Oath submitted 10/28/2005 lists Bindu Rama Rao and Patrick C. Lilley as inventors.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A 'network' or 'wireless network' is software per se. Claim limitations should be a process, machine, manufacture, or composition of matter. If Applicant intends to claim a 'system', hardware, such as processors, memory, as supported by the Specification, should be included in the claimed limitations.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent

Application Publication 2003/0065738A1 to Yang et al.

Per claim 1:

A network that facilitates interactions between one of a plurality of software components in a electronic device and an associated one of a plurality of servers in the network, the network comprising: a service broker capable of receiving at least one request for service associated with one of the plurality of software components; the service broker capable of determining the one of the plurality of servers associated with the one of the plurality of software components, based upon the at least one request for service; and the service broker capable of forwarding the at least one request for service to the determined one of the plurality servers.

Yang: See FIG 1b. Network [0023], application program manager that controls updating and downloading of application. Application program manager is a software module that is stored in and executed by the wireless information processing apparatus...to manage application programs, direct storage and execution of incoming and outgoing information.

[0042], Call center 130 preferably includes an agent 132 that handles requests from mobile users...tracks stored application programs available for downloading to mobile users.

[0043], file server/ file storage locations 150, connected to network 115 may be local or remote to call center 130. [0043], mobile device 110 may request new application programs

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Per claim 2:

-the service broker capable of selectively communicating a response from the determined one of the plurality of servers to one of the plurality of software components in the electronic device.

Yang: [0045], call center receives request and searches database or other sources to confirm location of requested program [0046], call center sends message to mobile device containing the retrieve command

Per claim 3:

-the service broker is a software component in the electronic device.

Yang: [0048], Application manager 112 represents a program for managing application programs in mobile device 110.

Per claim 4:

-one of the plurality of servers comprises a download server capable of receiving a request for an update package, the download server capable of sending the requested update package to one of the plurality of software components in the electronic device.

Yang: [0091], Web server 855 receives the request and responds to the application server 840 with an XML document 835 containing information retrieved from database 830 for updating the application program data in mobile device 810.[0109], downloading application

Per claim 5:

-the update package comprises a set of executable instructions for converting a first version of a

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software component to a second version of the software component.

Yang: [0109]

Per claim 6:

-the service broker forwards the update package to at least one of the plurality of software components in the electronic device.

Yang: [0055], application manager 112 categorizes the downloaded or updated application program into appropriate locations of a memory on mobile device 110.

Per claim 7:

-one of the plurality of software applications in the electronic device comprises an update agent capable of processing an update package, the update agent capable of being invoked by the service broker when an update package is communicated to the electronic device.

Yang: [0051], The located data is then composed into a trigger message to trigger the mobile device 110 to download the requested application program from a file storage location...trigger message is a short wireless message

Per claim 8:

-the update package comprises a set of executable instructions for converting a first version of a software component to a second version of the software component.

Yang: [0109]

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Per claim 9:

-the at least one request for service comprises an asynchronous request; and the service broker capable of communicating a response received from one of the plurality of servers back to the one of the plurality of software components.

Yang: [0054], asynchronous request

Per claim 10:

-the at least one request for service comprises an asynchronous request; the one of the plurality of software components registers callback information with the service broker; and the service broker communicates a response received from one of the plurality of servers back to the one of the plurality of software applications based upon the registered callback information.

Yang: [0056], The results of the search are data retrieved in the format of an XML document...converted into a trigger message 350, e.g., SMS format and sent to the mobile device 350 via the messaging center 106.

Per claim 11:

-service broker is a server communicatively coupled to the electronic device.

Yang: See FIG 8b, communicatively coupled to the electronic device.

Per claim 12:

-the service broker server determines which one of the plurality of servers is available and capable of processing the at least one service request, and subsequently forwards the request to

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the determined one of the plurality of servers.

Yang: [0043], stored on one or more file storage locations 150 (e.g., file server) connected to network 115.

Per claim 13:

-the determined one of the plurality of servers is forwarded the at least one request for processing, and a response from the determined one of the plurality of servers is forwarded to the one of the plurality of software components.

Yang: [0046], if the search confirms the existence and location of the requested application program, the call center sends a message to the mobile device of the requestor containing a file retrieve command (response is forwarded to the one of the plurality of software components).

Per claim 14:

-the determined one of the plurality of servers: processes the at least one service request, the at least one service request comprising a request for a software update from the one of the plurality of software components; retrieves an update package and associated information; and communicates the update package and associated information to the electronic device.

Yang: [0046], [0090-0091]

Per claim 15:

-the plurality of software components comprises a download agent and an update agent; the download agent is capable of requesting a software update from the service broker server, and



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receiving in response an update package from the service broker server; and the update agent is capable of processing the received update package for updating at least one of firmware and software in the electronic device.

Yang: [0097], application manager is a software of firmware application that resides on a memory of the mobile device. Application manager is capable of requesting software update, receiving a response, processing the received update package [0109].

Per claim 16:

A wireless network supporting at least one electronic device, the network comprising: a service broker; a plurality of service providers, each of the plurality of service providers communicatively coupled to the service broker; a client-side component in the electronic device that requests a software update from one of the plurality of service providers; and the service broker determining the appropriate one of the plurality of service providers capable of responding to the software update request.

Yang: [0073], the update request is then sent to the appropriate web server (plurality of service providers), [0073], the application server (service broker), update request (client side component in the electronic device that request a software update)

Per claim 17:

-a generic intelligent responsive agent in the electronic device, the generic intelligent responsive agent communicatively coupled to the service broker; the generic intelligent responsive agent capable of establishing a communication link with the service broker server; the generic

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intelligent responsive agent capable of forwarding the software update request and associated information from the client-side component to the service broker; and the service broker server determining one of the plurality of service providers as a target server capable of processing the software update request and forwarding the software update request to the target server.

Yang: [0090-0091], application manager 811 (generic intelligent responsive agent) See rejection of limitations addressed above. System is networked. Client wireless device requests update. Servers process update and communicate back to wireless device. Wireless device application manager provides logic to retrieve and install update.

Per claim 18:

-the target server: processes the received software update request; retrieves an appropriate update package and associated information; and communicates the appropriate update package and associated information back to the generic intelligent responsive agent for subsequent communication to an associated client-side component.

Yang: [0090-0091]

Per claim 19:

-the generic intelligent responsive agent: acts as a proxy for the client-side component; and provides one of asynchronous communication and synchronous communication facilities for interactions with the target server.

Yang: [0054]

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Per claim 20:

-the electronic device further comprises: a registration client capable of-maintaining a plurality of registration entries, each registration entry associated with a client-side software component, each entry comprising at least one of a name, a version, a plurality of dependencies, a status that specifies current operational status, a plurality of callback functions, an associated parameter, an event, and a return type; a set of configuration parameters; a client-side software component specific update agent capable of updating at least one of the set of configuration parameters and the client-side software component; and a server URL that specifies a service provider and associated relevant information.

Yang: [0050], [0079], server URL [0085], application manager categorizes and groups the application program to an appropriate section of themobile device memory...the application manager will replace the old data in the mobile device memory sch as RAM or memory card...with data contained in the incoming short wireless message. The application manager may reorganize and/or update a database for tracking application program updates 755.

Per claim 21:

-electronic device further comprises security information.

Yang: [0060], encrypted security

Per claim 22:

A method for updating at least one of a software component and software component configuration information in a electronic device communicatively coupled to a service broker,

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the method comprising: under the control of the electronic device, registering at least one call-back function available in the software component; communicating, to the service broker, a request for updating of at least one of the software component and software component configuration; receiving results from a remote service provider; and invoking the at least one call-back function using the received results, under the control of the service broker, receiving an update request; determining a service provider based upon the update request; invoking update functionality on the determined service provider; and transmitting results of the invoked update functionality to the mobile device.

Yang: [0090-0091] [0094], The server receives the request, retrieves the information, composes the information into a short wireless command message, and sends the short wireless command message thru wireless connection to mobile device.

Per claim 23:

-under the control of the electronic device, communicating the received results to an update agent capable of updating the at least one of the software component and software component configuration.

Yang: [0109]

Per claim 24:

-under the control of the electronic device, communicating a request by the software component to a generic intelligent responsive agent, the request comprising a command to be invoked on a remote service provider and parameters to be passed to it; communicating the request to the

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service broker; and communicating the received results to the software component, under the control of the service broker, receiving an update request; determining a service provider based upon the update request; invoking update functionality on the determined service provider; and transmitting results of the invoked update functionality to the generic intelligent responsive agent.

Yang: [0090-0091]

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned: 571-273-8300.

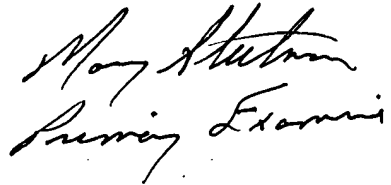
Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

04/12/2007



*Mary Steelman*  
*Primary Examiner*